

AN ORDINANCE
BY

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AN ORDINANCE TO AMEND SECTION 8-2182 OF THE CODE OF THE CITY OF ATLANTA RELATING TO THE IMPOSITION OF REQUIREMENTS FOR BARRIER-FREE CONSTRUCTION FOR NEW SINGLE FAMILY RESIDENCES, DUPLEXES AND TRIPLEXES RECEIVING FUNDING FROM THE CITY, FOR THE PURPOSE OF REDUCING THE CONFLICT WITH ECONOMIC INCENTIVES PROVIDED BY THE CITY TO ENCOURAGE NEW DEVELOPMENT; REQUIRING THAT COMPLIANCE RECORDS BE KEPT; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 92-O-0938 was adopted in 1992 to require that new single family, duplex and triplex dwellings which receive assistance from public funding be constructed according to certain standards that would make the structures accessible and usable by physically disabled people; and

WHEREAS, Ordinance 92-O-0938 was codified as Section 8-2182 of the City of Atlanta Code of Ordinances; and

WHEREAS, Section 8-2182 requires that construction which is funded in part by direct payments from the City be required to meet the standards set forth therein but the language therein is broadly drafted that any economic incentive provided by the City might be argued to trigger its imposition; and

WHEREAS, many types of economic incentives now made available to the City to encourage the creation of new single family, duplex and triplex dwellings through private investment were not widely used in 1992; and

WHEREAS, it is in the best interest of the City that the economic incentives provided by the City be evaluated on a case by case basis and specifically provided for in the terms of Section 8-2182; and

WHEREAS, the language of Section 8-2182 related to exemptions did not provide a measurable criteria and therefore was difficult to interpret; and

WHEREAS, there were no recordkeeping requirements associated with the previous requirement of Section 8-2182;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 8-2182 of the Code of Ordinances, City of Atlanta, is hereby amended to read as follows:

Sec. 8-2182. Barrier-free requirements.

(a) *Statement of Intent.* The provisions of this section are enacted to further the policy of the city to require that new single-family dwellings, duplexes and triplexes which are constructed in whole or in part with direct public funding, or other financial benefits as herein described, be provided with design features to provide accessibility and usability for physically disabled people. This section specifically promulgates standards based on ANSI A117.1 and specifies their application in a manner designed to prevent conflict with other economic development incentives made available by the city.

(b) *Applicability.* The following regulations shall be applicable to new single-family dwellings, duplexes, and triplexes based on the following criteria:

(i) those new residential projects which receive direct funding from the city through any of the following means: (i) receipt of a building contract or similar contractual agreement involving any city-funded program or fund providing direct construction funding for new single-family dwellings, duplexes, and triplexes, (ii) dispersal under city auspices of any federal or state funds to be used for construction of new single-family dwellings, duplexes, and triplexes except where the requirements of such program do not allow the imposition of these restrictions; shall be required to meet all design criteria set forth in subpart (c) except when waivers are granted pursuant to subpart (e).

(ii) any residential projects for the construction of new single-family dwellings, duplexes, and triplexes which receive exemptions from impact fees shall be required to meet all design criteria set forth in subpart (c) except when waivers are granted pursuant to subpart (e).

(iii) where donations of city owned real property are made to the Fulton County Land Bank Authority, any community development corporation or any community housing development organization, or other similar entity, the city council may include, but is not required to include, a provision in the ordinance donating the real property requiring that new single-family dwellings, duplexes, and triplexes built on such property be constructed to meet all design criteria set forth in subpart (c) except when waivers are granted pursuant to subpart (e). Where such provision is not specifically included in the ordinance donating the real property, the provisions of this section shall not apply.

(c) *Design Requirements.* The following design requirements shall apply:

Requirement 1. Building entrances. Applicable dwelling units shall be designed and constructed to have at least one (1) building entrance on an accessible route served by a ramp complying with ANSI A117.1-1986, section 4.8, having a maximum slope not to exceed twelve (1:12), unless it is impractical to do so because of terrain or unusual characteristics of the site. Such building entrance doors shall comply with ANSI A117.1, 4.13, and shall have a minimum clear opening of 32 inches. Any entrance at the front,

side or back of the dwelling is acceptable as long as it is served by an accessible route such as a garage or sidewalk.

Requirement 2. Interior door criteria. All dwelling units, whether or not on an accessible route, shall be designed in such a manner that all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons in wheelchairs. Lever hardware is required. Doors, except those serving closets less than 15 square feet in area, within individual dwelling units intended for user passage must provide minimum 32" clear opening. A 2'-10" door or standard 6'-0" sliding patio door assembly is deemed sufficient to comply with this requirement; provided however, compliance with ANSI section 4.13.6 (Maneuvering Clearance at Doors) shall not be mandatory.

Requirement 3. Accessible routes into and through the dwelling unit. An accessible route shall be designed and constructed in such a manner that a 36" wide level route, except at doors, must be provided through the main floor of the unit with ramped or beveled changes at door thresholds.

Requirement 4. Wall reinforcement in bathrooms. Reinforcement in the walls shall be provided at designated locations as specified by ANSI A 117.1, section 4.24, section 4.32, figure 48 and figure 49 so that grab bars may be installed, if needed, at a later date without the necessity of removing portions of the existing wall.

Requirement 5. Light switches, electrical outlets, thermostats and other environmental controls. All applicable dwelling units shall be designed and constructed in such a manner that all premises contain light switches, electrical outlets, thermostats and other controls in accessible locations. Controls shall meet the requirements of ANSI A117.1, section 4.25. Where multiple controls serve the same elements (e.g., two (2) remote switches for a light) only one (1) need be accessible.

(d) *Contracts.* The requirements of this section shall be incorporated in all city contracts where its terms would be applicable.

(e) *Waiver of Exterior Disability Accessibility Regulations.* The standards set forth in subsection (c), Requirement 1 (Building Entrances) may be waived by the director of the bureau of buildings ("director") through the issuance of an "Exterior Disability Accessibility Waiver" ("Waiver").

(i) Waivers may be issued for qualifying residences on a case by case basis upon a showing by an applicant that the topological conditions on the site would increase the cost of construction by more than five percent (5%) of the cost of the residence. Documentation sufficient to support the application for the Waiver shall be provided by the applicant. It is the responsibility of the applicant to specifically designate the documentation to be relied upon and to include such documentation as a part of the building permit application.

(ii) The director shall make a decision on the application within ten days of the receipt of the documentation. Upon a finding by the director that the

application for Waiver meets the criteria set forth herein, the application shall be granted. The decision of the director shall be mailed to the applicant and shall include the date of decision. Denials of application for waivers shall be appealable in the same manner as other administrative decisions.

(iii) where a new residential project is reviewed by the Atlanta Urban Design Commission and a finding is made that the application of subpart (c), Requirement 1 would be detrimental to the historic character of the neighborhood and a showing can be made that an alternative plan would increase the cost of construction by more than ten percent (10%) of the cost for the residence, the director may issue a Waiver upon such a showing.

(iv) By the operation of this ordinance, Waivers shall be allowed to modify the terms of any contract or grant award without necessity of further action of the Council. The director shall retain a copy of all Waiver documentation and shall maintain a log listing each address for which a Waiver has been granted.

(f) *Responsibility of the Director to Maintain Records.* It shall be the responsibility of the director to maintain a separate database of the actions of the bureau of housing and the bureau of buildings with regard to the enforcement of this ordinance which shall include the address of all residences which are required to meet the requirements of this section, the name of the applicant, the reason that compliance with this ordinance is required, if a waiver was granted, the date that the building permit was issued and the building permit number.

(g) *Use of Bond Proceeds for Infrastructure Improvements.* The use of bond proceeds from tax allocation district bonds or other city issued bonds used for infrastructure improvements shall not be considered direct funding from the city even where such infrastructure primarily serves a development including new single-family dwellings, duplexes, and triplexes, and this section shall not apply.

SECTION 2: The Municipal Clerk be and is hereby directed to take such action as necessary to effect the necessary changes to the Code of Ordinances.

SECTION 3: This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.